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(s) Helen J. Glenister

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Karlsson et al.	Atty. Docket:	PRD2127US-PCT
Serial No.:	10/572,985	Examiner:	Amanda P. Wood
Int'l Filing Date:	24 September 2004	Group Art Unit:	1657
For:	Analyzing Histamine H4 Receptor-Mediated Effects in Whole Blood	Confirmation No.:	9021

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This is a reply to the Office Action mailed June 27, 2008 in the above-referenced national-stage application. If any fees are due in connection with the filing of this response (including any for any required extension of time, for which Applicant hereby petitions), please charge any necessary fees to Deposit Account 10-0750.

In the outstanding Office Action, the Examiner set forth a requirement under 35 U.S.C. §§ 121 and 372 for Applicant to elect one of the following inventions or groups of inventions: (I) claims 2-11 and 16; (II) claims 12-15; and (III) claims 17-24. The Examiner based this requirement on the argument that these inventions or groups of

inventions are not so linked as to form a single inventive concept under PCT Rule 13.1. As the claims of both Group I and Group II ultimately depend on independent claim 1, the Examiner also noted that independent claim 1 links Groups I and II. Applicant therefore understands that linking claim 1 will be considered in the event Group I or II is elected, and that the other of these two groups will be rejoined with the elected group in the event claim 1 is found to be allowable.

Applicant hereby elects Group I, claims 1-11 and 16. Applicant's election is with traverse, as the the Examiner has failed to demonstrate that, considering in the first place independent claims 1 and 17, there is a lack of unity of invention.

Citing the Gantner et al. article, the Examiner argued that the subject matter of Groups I-III relates to methods known in the art at the time of the claimed invention. The Gantner et al. article, however, fails to teach or suggest the invention as a whole as defined in either of independent claims 1 and 17. Indeed, the Gantner et al. article is cited in the International Search Report (ISR) for the PCT application upon which the present national-stage application is based as a category "A" reference--i.e., a document defining the general state of the art which is not considered to be of particular relevance. Moreover, the Written Opinion and International Preliminary Report on Patentability (IPRP) from the PCT application both indicate that, considering the Gantner et al. article *a posteriori*, claims 1-24 were considered to meet the criteria set out in PCT Article 33(2)-(3), "because the prior art does not teach or fairly suggest a method of assaying for histamine H_4 receptor-mediated response on a whole blood sample (as claimed) via the overall claimed steps." Accordingly, the requirement for election of one of Groups I-III as lacking unity is in error and should be withdrawn.